



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
ATLANTA REGION**

**GENERAL SERVICES ADMINISTRATION
SOUTHEAST SUNBELT REGION
ATLANTA, GEORGIA
(Agency)**

AND

**NATIONAL FEDERATION OF FEDERAL EMPLOYEES, AFL-CIO
(Petitioner)**

CASE NO. AT-RP-16-0010

DECISION AND ORDER

I. STATEMENT OF THE CASE

The National Federation of Federal Employees (NFFE) filed this petition on January 5, 2016 to clarify the status of employees who were previously represented by the Laborers' International Union of North America, Local 700, (LIUNA, Local 700). In the petition, NFFE argues that automatic inclusion of the unrepresented employees is proper because the employees fall within the expressed terms of NFFE's certification.¹ The Agency, while indicating that it has an interest in the employees' representational status, has not specifically objected to the petition.

II. FINDINGS

On August 6, 1976, in Case No. 40-06705(RO), the Director of the Atlanta Area Office, Labor-Management Services Administration, Department of Labor, issued a certification to LIUNA, Local 700 for the following Raleigh, North Carolina unit:

INCLUDED: All General Services Administration employees located in Raleigh, North Carolina.

EXCLUDED: Professional employees, management officials, employees engaged in Federal personnel work in other than a purely clerical capacity, guards, and supervisors as defined in the Order.

¹ See, *Dep't of the Army Headquarters, Fort Dix, Fort Dix, N.J.* 53 FLRA 287, 294 (1997) (*Fort Dix*).

On May 18, 2007, NFFE was certified as the exclusive representative of “all” professional and non-professional General Services Administration (GSA), Sunbelt Region, Region 4 employees.² Pertinent here, NFFE’s certification excluded “all employees currently represented under exclusive recognition” by another labor organization. At that time, two Region 4 non-professional employee units were represented by two other labor organizations, the American Postal Workers Union (APWU) and LIUNA, Local 700. A few months later, on September 24, 2007, in Case No. AT-RP-07-0033, APWU disclaimed interest in the Region 4 unit and the Atlanta Regional Director issued an order revoking APWU’s certification. The employees previously represented did not petition for representation by an alternative labor organization, and neither NFFE nor LIUNA sought to clarify the status of the employees at that time.

Later, on January 21, 2014, NFFE petitioned to clarify the status of employees previously represented by APWU. In that petition, NFFE argued that it already represented the employees because their work location falls within the express terms of its certification – Sunbelt Region, Region 4- and that the word “all” in the certification is fully inclusive. NFFE also argued that the exclusionary language in the certification – excluding employees “currently represented” - should be read to mean that the employees formerly represented by APWU are now, or “currently” not represented by another labor organization and therefore NFFE now represents them. In *Nat’l Fed’n of Fed. Employees, FD-1, IAMAW, AFL-CIO*, 67 FLRA 643 (2014) (*NFFE*), the Authority concluded that the employees’ positions fall within the express terms of the unit description, and thus, pursuant to *Fort Dix*, were automatically in the unit from the time APWU’s certification was revoked.

Thereafter, in Case No. AT-RP-15-0045, where LIUNA, Local 700 disclaimed interest in representing its unit of employees in Raleigh, North Carolina, I issued a Decision and Order finding that LIUNA, Local 700’s certification should be revoked. No party filed an Application for Review. On March 24, 2016, the Revocation of Certification was issued, thereby revoking LIUNA, Local 700’s certification.

NFFE now contends that the Raleigh employees formerly represented by LIUNA, Local 700 expressly fall within the express terms of its unit description because it represents all GSA Sunbelt Region employees not represented by another labor organization.

III. ANALYSIS AND CONCLUSIONS

It is well-established that “[n]ew employees are automatically included in an existing bargaining unit where their positions fall within the express terms of a bargaining certificate and where their inclusion does not render the bargaining unit inappropriate.” *Dep’t of the Army Headquarters, Fort Dix, Fort Dix, N.J.* 53 FLRA 287, 294 (1997) (*Fort Dix*). The Authority interprets *Fort Dix* broadly. Its holding applies not only to newly-hired employees, but also to existing and relocated employees “to ensure effective employee representation consistent with the terms of an existing unit certification.” *NFFE, Employees FD-1, IAMAW*, 67 FLRA 643, 644-45 (2014).

² The employees were certified in Case No. AT-RP-07-0001 as being included in the unit of employees represented by the National Federation of Federal Employees, IAMAW, AFL-CIO as certified in 3-UC-40001-001)(6/3/84).

In this case, I find, consistent with the Authority's decisions in *NFFE and Fort Dix*, that the employees of GSA who were previously represented by LIUNA, Local 700 are automatically included in NFFE's bargaining unit as certified on March 18, 2007 in case AT-RP-07-0001. Because the all-inclusive language of NFFE's March 18, 2007 certification incorporates the Raleigh employees, there is no need to amend the language of the certification. Thus, this petition should be dismissed.

IV. ORDER

The petition is dismissed.

V. RIGHT TO SEEK REVIEW

Under section 7105(f) of the Statute and section 2422.31(a) of the Authority's Regulations, a party may seek review of this Decision by filing an application for review with Federal Labor Relations Authority. The application for review must be filed with the Chief, Office of Case Intake and Publication, Federal Labor Relations Authority, Docket Room, Suite 201, 1400 K Street, NW, Washington, DC 20424-0001.

The application for review must be filed with the Authority in Washington by **June 6, 2016**.

The application for review may be filed electronically through the Authority's website, www.flra.gov.³

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April 5, 2016

Richard S. Jones
Regional Director, Atlanta Region
Federal Labor Relations Authority
225 Peachtree Street, N.E., Suite 1950
Atlanta, Georgia 30303

Attachment: Service Sheet

³ To file an application for review electronically, go to the Authority's website at www.flra.gov, select eFile under the **Filing a Case** tab and follow the detailed instructions.

SERVICE SHEET

I certify that I have served the parties listed below a copy of this **Decision and Order** by regular mail on this 5th^h day of April 2016 at Atlanta, Georgia.

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